

102403
13281 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class: 128 Subclass 204180

Prior Application:

Examiner: Mitchell, T. Kay

Art Unit: 3761

Commissioner of Patents and Trademarks
Washington, D.C. 20231

17510 U.S. PTO
10/691649
10/24/03

REQUEST FOR DIVISIONAL APPLICATION

This is a request for filing a Divisional application of pending prior application:

Serial No. 09/688,229, filed on 10/16/2000

of Curtis B. Figley, et al

for SYSTEM AND ELEMENTS FOR MANAGING THERAPEUTIC GAS

ADMINISTRATION TO A SPONTANEOUSLY BREATHING NON-VENTILATED

PATIENT

1. COPY OF PRIOR APPLICATION AS FILED WHICH IS ATTACHED

The copy of the papers of the prior application as filed which are attached are as follows:

59 pages of specification

8 pages of claims

1 pages of abstract

35 pages of drawings

4 pages of declaration and power of attorney

my records reflect that the original signed declaration showing applicant's signature was filed on 10/16/2000.

2. AMENDMENTS

☒ Cancel in this application original claims 1-28, 37-39 of the prior application before calculating the filing fee.

☒ A preliminary amendment is enclosed (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. FEE CALCULATION

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee \$770.00
Total Claims	9-20 =	X \$18.00 =	0.00
Independent	2-3 =	X \$86.00 =	0.00
Total			<u>\$ 770.00</u>

4. DRAWINGS

☒ Formal drawings are enclosed

5. RELATE BACK - 35 U.S.C. §120

☒ Amend the specification by inserting before the first line the sentence:

"This is a divisional application of copending application Serial No. 09/688,229 filed on 10/16/2000."

6. INVENTORSHIP STATEMENT

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventors in this application are the same.

(b) The inventorship for all the claims in this application

are the same.

7. ASSIGNMENT

☒ The prior application is assigned of record to

Pulmonox Technologies Corporation

8. FEE PAYMENT BEING MADE AT THIS TIME

☒ Enclosed

☒ basic filing fee

\$ 770.00

Total Fees Enclosed

\$ 770.00

9. METHOD OF PAYMENT

☒ enclosed is a check (Number 5274) in the amount of \$770.00

POWER OF ATTORNEY


☒ The power of attorney in the prior application is to
Terry M. Gernstein, Registration Number 26,891.

☒ The power appears in the original papers in the prior
application.

☒ Address all future communications to

Terry M. Gernstein
1015 Salt Meadow Lane
McLean, VA 22101

I hereby declare further that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.


Terry M. Gernstein
Registration No. 26,891
Attorney of Record

Date: October 23, 2003